REMARKS

This is a full and timely response to the outstanding nonfinal Office Action mailed April 25, 2005. Reconsideration and allowance of the application and presently pending claims 1-34, as amended, are respectfully requested. More specifically, claims 2, 7, 11-12, 14, 19, 23-25, and 29-31 are directly amended, and claims 1 and 13 are canceled without prejudice, waiver, or disclaimer. It is believed that the foregoing amendments add no new matter to the present application.

1. Allowable Subject Matter

The Office Action indicates that claims 7-10 and 19-22 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. In that it is believed that every rejection has been overcome, it is respectfully submitted that each of the claims that remains in the case is presently in condition for allowance.

In particular, the Office Action states that regarding claims 7 and 19, "the main reason for indication of allowable subject matter is because the prior art fails to teach or reasonably suggest a depth of field indicator assigned to each of the at least two images, where the depth of field indicator allows a user to determine a depth of field for each of the at least two images." As presently amended, this feature is contained in independent claims 7 and 19. Therefore, Applicants submit that claims 7 and 19 and their dependent claims are allowable, since at least this claimed feature is not taught or suggested by the cited art.

2. Response to Rejection of Claims 25-29 and 32 Under 35 U.S.C. §102(a)

In the Office Action, claims 25-29 and 35 stand rejected under 35 U.S.C. §102(a) as allegedly being anticipated by *Melen* (U.S. Patent No. 6,320,979 B1). For a proper rejection of a claim under 35 U.S.C. Section 102, the cited reference must disclose all elements/features/steps of the claim. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 USPQ2d 1129 (Fed. Cir. 1988).

a. Claim 25

As provided in independent claim 25, Applicants claim:

> An image processing system, comprising:
> an image storage device;
> at least two similar images contained in the image storage device;

a processor coupled to the image storage device;

a code segment for processing the at least two similar images, where the at least two similar images are combined to form a new image having at least one characteristic different from corresponding characteristics of the at least two images, the at least one characteristic including at least one of lens tilt and lens shift characteristics; and

an output element for rendering the new image.

(Emphasis added).

Applicants respectfully submit that independent claim 25 is allowable for at least the reason that *Melen* does not disclose at least the element of "a code segment for processing the at least two similar images, where the at least two similar images are combined to form a new image having at least one characteristic different from corresponding characteristics of the at least two images, the at least one characteristic including at least one of lens tilt and lens shift characteristics," as recited and emphasized above in claim 25.

In particular, *Melen* fails to disclose the feature of a "a new image having at least one characteristic different from corresponding characteristics of the at least two images, the at least one characteristic including at least one of lens tilt and lens shift characteristics," as recited in claim 25. Therefore, *Melen* fails to anticipate claim 25, and the rejection should be withdrawn for at least this reason.

b. Claims 26-29 and 32

Because independent claim 25 is allowable over the cited art of record, dependent claims 26-29 and 32 (which depend from independent claim 25) are allowable as a matter of law for at least the reason that the dependent claims contain all the features and elements of independent claim 25.

Additionally and notwithstanding the foregoing reasons for allowability of claims 26-29 and 32, these dependent claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the references of record. For at least these reasons, the rejection of claims 26-29 and 32 should be withdrawn.

3. Response to Rejection of Claims 1, 2, 13, and 14 Under 35 U.S.C. §103(a)

In the Office Action, claims 1, 2, 13, and 14 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable by *Melen* in view of *Sato* (U.S. Patent No. 6,525,761 B2). It is

well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claim 1

Applicants have canceled claim 1 without prejudice, waiver, or disclaimer, and respectfully assert that the rejection as to this claim has been rendered moot. Applicants have canceled this claim merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of this canceled claim in a continuing application, if Applicants so choose, and do not intend to dedicate the canceled subject matter to the public.

b. Claim 2

Because independent claim 7 is allowable over the cited art of record, as previously discussed, claim 2 (which depends from independent claim 7) is allowable as a matter of law for at least the reason that the dependent claim contains all the features and elements of independent claim 7.

c. Claim 13

Applicants have canceled claim 13 without prejudice, waiver, or disclaimer, and respectfully assert that the rejection as to this claim has been rendered moot. Applicants have canceled this claim merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of this canceled claim in a continuing application, if Applicants so choose, and do not intend to dedicate the canceled subject matter to the public.

d. Claim 14

Because independent claim 19 is allowable over the cited art of record, as previously discussed, claim 14 (which depends from independent claim 19) is allowable as a matter of law for at least the reason that the dependent claim contains all the features and steps of independent claim 19.

4. Response to Rejection of Claims 3-6 and 15-18 Under 35 U.S.C. §103(a)

In the Office Action, claims 3-6 and 15-18 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable by *Melen* in view of *Sato* in further view of *Fredlund* (U.S. Patent Application Publication No. 2003/0128287 A1). It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claims 3-6

Because independent claim 7 is allowable over the cited art of record, as previously discussed, claim 3-6 (which depend from independent claim 7) are allowable as a matter of law for at least the reason that the dependent claims contain all the features and elements of independent claim 7.

b. Claims 15-18

Because independent claim 19 is allowable over the cited art of record, as previously discussed, claims 15-18 (which depend from independent claim 19) are allowable as a matter of law for at least the reason that the dependent claims contain all the features and steps of independent claim 19.

5. Response to Rejection of Claims 11 and 23 Under 35 U.S.C. §103(a)

In the Office Action, claims 11 and 23 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable by *Melen* in view of *Sato* in further view of *Ockman* (U.S. Patent No. 6,816,627 B2). It is well-established at law that, for a proper rejection of a claim under 35

U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claim 11

Because independent claim 7 is allowable over the cited art of record, as previously discussed, claim 11 (which depends from independent claim 7) is allowable as a matter of law for at least the reason that the dependent claim contains all the features and elements of independent claim 11.

b. Claim 23

Because independent claim 19 is allowable over the cited art of record, as previously discussed, claim 23 (which depends from independent claim 19) is allowable as a matter of law for at least the reason that the dependent claim contains all the features and steps of independent claim 19.

6. Response to Rejection of Claim 30 Under 35 U.S.C. §103(a)

In the Office Action, claim 30 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable by *Melen* in view of *Takahashi* (U.S. Patent Application Publication No. 2002/0071044 A1). It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Because independent claim 25 is allowable over the cited art of record, claim 30 (which depends from independent claim 25) is allowable as a matter of law for at least the reason that the dependent claim contains all the features and elements of independent claim 25 and *Takahashi* fails to cure the deficiencies of the *Melen* reference. Therefore, the proposed combination of *Melen* in view of *Takahashi* fails to disclose, teach, or suggest all of the features of claim 30, and the rejection of claim 30 should be withdrawn.

7. Response to Rejection of Claims 12 and 24 Under 35 U.S.C. §103(a)

In the Office Action, claims 12 and 24 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable by *Melen* in view of *Sato* in further view of *Cesana* (U.S. Patent No. 6,466,220 B1). It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claim 12

Because independent claim 7 is allowable over the cited art of record, as previously discussed, claim 12 (which depends from independent claim 7) is allowable as a matter of law for at least the reason that the dependent claim contains all the features and elements of independent claim 12.

b. Claim 24

Because independent claim 19 is allowable over the cited art of record, as previously discussed, claim 24 (which depends from independent claim 19) is allowable as a matter of law for at least the reason that the dependent claim contains all the features and steps of independent claim 19.

8. Response to Rejection of Claim 31 Under 35 U.S.C. §103(a)

In the Office Action, claim 31 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable by *Melen* in view of *Brooksby* (U.S. Patent Application Publication No. 2003/0117412 A1). It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Because independent claim 25 is allowable over the cited art of record, claim 30 (which depends from independent claim 25) is allowable as a matter of law for at least the reason that the dependent claim contains all the features and elements of independent claim

25 and *Brooksby* fails to cure the deficiencies of the *Melen* reference. Therefore, the proposed combination of *Melen* in view of *Brooksby* fails to disclose, teach, or suggest all of the features of claim 31, and the rejection of claim 31 should be withdrawn.

9. Response to Rejection of Claims 33 and 34 Under 35 U.S.C. §103(a)

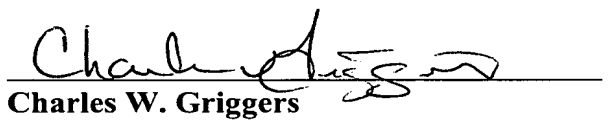
In the Office Action, claims 33 and 34 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable by *Melen* in view of *Ockman* (U.S. Patent No. 6,816,627 B2). It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Because independent claim 25 is allowable over the cited art of record, claims 33 and 34 (which depend from independent claim 25) are allowable as a matter of law for at least the reason that the dependent claims contain all the features and elements of independent claim 25 and *Ockman* fails to cure the deficiencies of the *Melen* reference. Therefore, the proposed combination of *Melen* in view of *Ockman* fails to disclose, teach, or suggest all of the features of claims 33 and 34, and the rejection of claims 33 and 34 should be withdrawn.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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